

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
June 17, 2003

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, June 17, 2003, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend Carleton Bakkum from Grace Episcopal Church gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He stated the improvements at Denbigh Boulevard and Route 17 would be in progress as soon as the weather remained consistently rain-free. He thanked the members of the Board and Mr. Carter for the leadership in obtaining an extra \$1.4 million that will greatly help with the Six-Year Plan.

Mr. Wiggins noted that the pressure had been put on CSX to correct the railroad tracks on Wolfrap Road.

Mr. Hicks acknowledged that he had met with CSX's representatives, and that they would be correcting two feet on each side of the tracks. After those repairs, VDOT will then smooth out the area.

Mr. Wiggins recognized that many of the road improvements would not have been made without Mr. Hicks' help.

Mr. Zarembo reiterated Mr. Wiggins' comments and commended VDOT's contractor for the repairs to Hubbard Lane.

Mr. Shepperd expressed his appreciation for the quick response to the calls for potholes. He called attention to problem ditches and VDOT rights-of-way that flood near Tinnette Drive, Running Man, and the intersection of Cary's Chapel and Mansion Roads, near Wilson Farm Lane. He explained these areas were not along the road, but affected the drainage in the area. He shared his concerns about stoplights on Hampton Highway and the backlog of traffic. He stated the congestion on that road, along with the slow traffic flow northbound to Route 17, has a negative effect on the commerce in the area. He asked that the lights be synchronized to alleviate the traffic backups.

Chairman Burgett also commended Mr. Hicks on his accomplishments.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett welcomed Walter C. Etheridge as a newly appointed member to the York County Board of Building Code Appeals. He then presented Mr. Etheridge with a York County pin and a York County Boards and Commissions handbook.

KOREAN WAR VETERANS APPRECIATION MONTH

Chairman Burgett presented a Proclamation to Korean War Veterans in attendance this evening in appreciation of their services during the Korean war.

THE VIRGINIA 2007 COMMUNITY PROGRAM (Not on the agenda)

Mrs. Noll gave a brief overview of the Virginia 2007 Community Program that was kicked off by Governor Mark Warner. York County will participate in the celebration of events that will commemorate the 400th anniversary of the founding of the Commonwealth and the origins of the nation. She then presented the Board members with 2007 pins and a 2007 flag that will be flown at the York-Poquoson Circuit Courthouse.

GRANT AWARDS

Mrs. Anne Smith, Director of Community Services, gave a presentation on the many grants awarded to the County of York during fiscal year 2002-2003. These grants total over \$7 million dollars and were received from foundations and governmental agencies.

CITIZENS COMMENT PERIOD

There were no comments this evening.

COUNTY ATTORNEY REPORTS AND REQUESTS

No report was given this evening.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds announced that the Board has a work session scheduled on June 24 on the landscaping section of the County's Zoning Ordinance and Tax Relief for the Elderly. The next regularly scheduled meeting will be held July 15.

MATTERS PRESENTED BY THE BOARD

Mr. Zaremba thanked the citizens who went to the polls on June 10, specifically those who elected him as their representative in the primary election. He reminded the citizens of New Quarter Park and described some of the amenities of the park and the initiative to upgrade the park facilities in the coming months. He asked Mr. McReynolds to provide an update on the construction projects at the next regular meeting. He reported on his town meeting held at York High School and stated the architectural guidelines was the topic most talked about. He told the citizens they have an opportunity to be part of the solution in crafting and developing the guidelines, and encouraged them to get involved.

Mr. Wiggins reported on attending the 30th anniversary of Senator Charles Mathias' Tour of the Chesapeake Bay hosted by the Watermen's Museum. He described some of the contributing factors of pollution to the Chesapeake Bay, and stated the County had to continue to go after failing septic tanks, and provide sewer to the areas that don't have septic tanks.

Mrs. Noll announced that the Recreation Committee is working on a water trail for boaters which it hoped to get underway this year. She mentioned that the model of the Yorktown

waterfront was on display in the Administration Building, and she encouraged citizens to stop by and see it.

Mr. Shepperd reported that he rode along with Chief Jeff Payne of the Fire Department last Friday evening. He listened to the police radio that indicated drag racing was taking place in the County. He discouraged this behavior and stated that the Sheriff's Office was aggressively pursuing it. He then discussed problems with graffiti and asked the citizens to inform the County about those areas targeted for graffiti.

Chairman Burgett stated he had the pleasure of attending the opening of the new True Value Hardware store. He visited Cary's Baptist Church and presented a Proclamation acknowledging its 122nd anniversary. He also attended the employee picnic, and he recognized staff for its hard work. He noted he was also present at the first Flag Day ceremony sponsored by the Historical Committee. He then asked for a consensus of the Board to bring back the Architectural Guidelines for a vote at the next regular meeting.

Mr. Zaremba expressed disagreement with Mr. Burgett's request for a vote on the guidelines. He explained a vote would undercut the citizens' opportunity to input into those guidelines and stated he would like to offer the disgruntled citizens of Yorktown the opportunity to offer solutions to the proposed guidelines.

Chairman Burgett withdrew his request for a consensus.

CONSENT CALENDAR

Mr. McReynolds requested that proposed Resolution R03-111 concerning the refunding of revenue bonds of the Virginia Peninsula Jail be added to the Consent Calendar.

Mr. Zaremba asked that Item No. 8 be removed from the Consent Calendar.

Mr. Shepperd asked that Item No. 9 be removed from the Consent Calendar.

Mr. Wiggins asked that Item No. 10 be removed from the Consent Calendar.

Mrs. Noll asked that Item No. 14 be removed from the Consent Calendar.

Mrs. Noll then moved that the Consent Calendar be approved as amended, Item Nos. 7, 11, 12 and 13, respectively, to include the addition of proposed Resolution R03-111.

On roll call the vote was:

Yea:	(5)	Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 7. APPROVAL OF MINUTES

The minutes of the following meeting of the York County Board of Supervisors were approved:

May 20, 2003, Regular Meeting.

Item No. 11. PROPERTY TENANCY IN COMMON WITH YORK COUNTY SCHOOL BOARD: Resolution R03-101.

A RESOLUTION TO ELECT NOT TO ACQUIRE TENANCY IN
COMMON OF SCHOOL PROPERTY IN THE IMPLEMENTATION
OF GASB 34

WHEREAS, for fiscal year ending June 30, 2003, York County will be implementing a new financial reporting model referred to as GASB 34; and

WHEREAS, one of the new fiscal and operational aspects of this financial reporting model is to record fixed assets and related liabilities on the County's balance sheet; and

WHEREAS, the County borrows funds to finance the acquisition, construction, and improvement of school property, and the School Board holds title to this property; and

WHEREAS, the asset values will be reported on the School Board's balance sheet and the related debt or liability will be reported on the County's balance sheet; and

WHEREAS, Virginia State Code 15.2-1800.1 provides for the County to acquire tenancy in common to some or all of the public school property in the County and therefore record the asset values on the County's balance sheet; and

WHEREAS, County staff and School Board staff have determined that acquiring tenancy in common would not be cost effective;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of June, 2003, that the election not to acquire tenancy in common of school property be, and hereby is, implemented for the new financial reporting model as regulated by the Governmental Accounting Standards Board.

Item No. 12. ARTS COMMISSION FUNDING: Resolution R03-84.

A RESOLUTION TO APPROVE FY2004 COUNTY AND STATE
FUNDING FOR LOCAL ARTS ORGANIZATIONS

WHEREAS, the Board of Supervisors appropriated \$54,400 in support of local cultural arts organizations in the FY2004 budget and the County is expected to receive an estimated \$5,000 grant from the Virginia Commission for the Arts to supplement the County's appropriations for the arts; and

WHEREAS, the York County Arts Commission was appointed by the Board of Supervisors to review funding requests from cultural arts organizations and to make recommendations to the Board concerning the distribution of budget appropriations to the arts; and

WHEREAS, the Arts Commission has undertaken a careful and thorough review of all applications from arts groups, in some cases interviewing and otherwise observing and interacting with these organizations; and

WHEREAS, the Arts Commission has completed its review of the funding requests for FY2004 and has developed recommendations for funding allocations for each organization using the total available arts-related funds contained in the approved FY2004 York County Budget; and

WHEREAS, allocations from grant funding from the Virginia Commission for the Arts, will be made to the Fifes and Drums of York Town, the Yorktown Arts Foundation, Celebrate Yorktown Committee, Jamestown/Yorktown Foundation and Peninsula Fine Arts Center upon receipt of those funds from the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of June, 2003, that the determination made by the York County Arts Commission be, and they hereby are, approved and that the following organizations receive funding in the following amounts under the York County Arts Commission Grant Program:

Art Song Of Williamsburg	\$ 450
Celebrate Yorktown Committee/Christmas	\$ 1,100
Celebrate Yorktown Committee/Concerts	\$ 1,200

Celebrate Yorktown Committee/Symphony	\$ 1,700
Chesapeake Bay Wind Ensemble	\$ 200
Coventry Elementary PTA	\$ 1,100
Cultural Alliance	\$ 400
Fifes & Drums of York Town	\$ 8,400
First Night of Williamsburg	\$ 750
Institute for Dance	\$ 400
Jamestown/Yorktown Foundation	\$ 4,900
Langley Air Force Base Boys & Girls Club	\$ 1,175
Merchants Square Association	\$ 600
Peninsula Community Theatre	\$ 700
Peninsula Fine Art's Center	\$ 1,000
Publick Times Chorus of Sweet Adelines	\$ 1,800
Senior Center of York	\$ 200
Stage Lights	\$ 500
Theatre IV	\$ 2,000
This Century Art Gallery of Williamsburg	\$ 400
Virginia Opera	\$ 6,000
Virginia Shakespeare Festival	\$ 2,500
Virginia Stage Company	\$ 1,175
Virginia Symphony	\$ 3,000
Wahl-Moore Creative Arts	\$ 200
Watermen's Museum	\$ 3,400
WHRO	\$ 900
Williamsburg Choral Guild	\$ 400
Williamsburg Music Association	\$ 1,100
Williamsburg Music Club	\$ 550
Williamsburg Regional Library	\$ 300
Williamsburg Youth Orchestra	\$ 1,300
York River Orchestra	\$ 900
Yorktown Arts Foundation	\$ 6,100
Yorktown Chorale	\$ 600
Young Audiences	\$ 2,000

Item No. 13. HIGH SPEED RAIL – AMERICAN PASSENGER RAIL AGREEMENT: Resolution R03-108.

A RESOLUTION TO EXPRESS SUPPORT FOR THE AMERICAN PASSENGER RAIL AGREEMENT AND THE VIRGINIA HIGH SPEED RAIL INITIATIVE

WHEREAS, the York County Board of Supervisors believes that an efficient and convenient intercity passenger rail system serving the Washington D.C. – Richmond – Virginia Peninsula corridor is an essential component of the Peninsula's future transportation network; and

WHEREAS, the Peninsula Friends of Rail and the Virginians for High Speed Rail are working to promote and encourage appropriate and adequate funding to complete the upgrade of rail infrastructure, service, and equipment for this corridor by 2007; and

WHEREAS, the Board wishes to express its support for these efforts as well as the policies and objectives expressed in the American Passenger Rail Agreement regarding the funding, development and maintenance of a reliable and efficient passenger rail system.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of supervisors, this the 17th day of June, 2003, that the Board does hereby express its support for the efforts of the Peninsula Friends of Rail and the Virginians for High Speed Rail regarding the funding, development and maintenance of a reliable and efficient passenger rail system serving the Washington D.C., Richmond and Virginia Peninsula corridor.

REFUND OF REVENUE BONDS: Resolution R03-111 (Added to Consent Calendar)RESOLUTION OF THE COUNTY OF YORK CONCERNING THE
ISSUANCE OF REFUNDING REVENUE BONDS SERIES 2003 BY
THE VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY

WHEREAS, the County of York is a member of the Virginia Peninsula Regional Jail Authority (the "Authority") created by the County of James City, the City of Poquoson the City of Williamsburg and the County of York (collectively, the "Member Jurisdictions") pursuant to Article 3.1, Chapter 3, Title 53.1 of the Code of Virginia of 1950, as amended (the "Act");

WHEREAS, the Authority and the Member Jurisdictions entered in a Cooperative Service Agreement dated as of November 14, 1994, as superseded by an Amended and Restated Cooperative Service Agreement dated as of August 1, 1995 (the "Service Agreement") which provided, among other things, for the planning, development and operation of the Authority's regional jail facility (the "Regional Jail"), and provided for the financing of the Regional Jail through the issuance of the Authority's revenue bonds.

WHEREAS, in furtherance of the provisions of the Service Agreement and the Act, the Authority issued its Regional Jail Facility Revenue Bonds, Series 1995, in the aggregate principal amount of \$36,340,000 (the "1995 Bonds");

WHEREAS, in connection with the issuance of the Authority's 1995 Bonds, each of the Member Jurisdictions agreed in the Service Agreement, subject to the appropriation of funds for such purposes, to provide funding makeup support on a proportionate basis for (i) the payment of debt service on the 1995 Bonds and (ii) to cure any deficiency in the debt service reserve fund established by the Authority for the 1995 Bonds in the event the Authority lacked sufficient funds to make such payment or to cure such deficiency (the "Debt Service and Reserve Makeup Undertaking");

WHEREAS, in connection with the issuance of the 1995 Bonds by the Authority, the Member Jurisdictions further agreed to provide annually for as long as the 1995 Bonds remained outstanding to each nationally recognized municipal securities information repository certain financial information and operating data as more particularly described in the Continuing Disclosure Agreement dated September 15, 1995 (the "Continuing Disclosure Agreement") among the Authority, the Member Jurisdictions and Crestar Bank, now SunTrust Bank, as dissemination agent (the "Continuing Disclosure Undertaking");

WHEREAS, in order to achieve debt service savings and to restructure debt service payments, the Authority proposes to issue a series of refunding bonds in the aggregate principal amount of \$21,655,000 (the "Refunding Bonds") to refund a portion of the 1995 Bonds and to apply the prepaid reimbursement payment received from the Commonwealth of Virginia for the Commonwealth's share of the construction and financing costs of the Regional Jail to defease and redeem the balance of the 1995 Bonds;

WHEREAS, such refunding, defeasance and redemption of the 1995 Bonds by the Authority will cause the Debt Service and Reserve Makeup Undertaking and the Continuing Disclosure Undertaking of the Member Jurisdictions with respect to the 1995 Bonds to terminate;

WHEREAS, to facilitate the sale of the Refunding Bonds, the insurer for the Refunding Bonds has required that the Authority request that each Member Jurisdiction agree to extend its Continuing Disclosure Undertaking and agree to extend its Debt Service and Reserve Makeup Undertaking to the Authority for the Refunding Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of York this 17th day of June, 2003, that the Continuing Disclosure Undertaking in connection with the issuance of the Authority's Refunding Bonds be, and it is hereby, approved, such undertaking being on substantially the same terms and conditions as are set forth in the Continuing Disclosure Agreement for the Authority's 1995 Bonds, the form of which is on file with the County which is hereby approved in substantially such form.

BE IT FURTHER RESOLVED that the Debt Service and Reserve Makeup Undertaking for the Authority's Refunding Bonds is hereby approved on substantially the same terms and conditions as such undertaking is contained in the Service Agreement, including the requirement that such undertaking is subject to the appropriation of funds for such purpose, provided, however, the percentage on which such undertaking shall be based for each Member Jurisdiction in any given fiscal year in which payment may be required shall be derived from the percentage of each Member Jurisdiction's utilization of the Regional Jail for the immediately preceding fiscal year.

BE IT STILL FURTHER RESOLVED that the Chairman or the Vice Chairman are each authorized to execute and deliver on behalf of the Authority, and, if required, the Secretary or any Assistant Secretary of the Authority is authorized to affix and attest the seal of the Authority to, the Continuing Disclosure Agreement in substantially the form on file with such changes, insertions or omissions, as may be approved by the Chairman or Vice Chairman, and to any amendment to the Service Agreement which may be necessary or desirable to reflect the changes to the Debt Service and Reserve Makeup percentage herein authorized, whose approval will be evidenced conclusively by the execution and delivery of such documents. Each officer of the County is authorized to execute and deliver on behalf of the County such other instruments, documents or certificates, and to do and perform such things and acts, as they deem necessary or appropriate to carry out the transactions authorized by this Resolution and all of the foregoing, previously done or performed by such officers, are in all respects approved, ratified and confirmed.

BE IT STILL FURTHER RESOLVED that this Resolution shall take effect immediately.

Meeting Recessed: At 7:53 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened: At 8:03 p.m. the meeting was convened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. ZT-71-03, YORK COUNTY PLANNING COMMISSION, YORK COUNTY PLANNING COMMISSION

Mr. Mark Carter, Assistant County Administrator, made a presentation on Application No. ZT-71-03 to revise Section 24.1-373 of the York County Code, FMA-Floodplain Management Overlay District, to incorporate certain changes required by the Federal Emergency Management Agency (FEMA) for consistency with the National Flood Insurance Program requirements. He stated the Planning Commission reviewed the application, held a public hearing, and double-checked with FEMA to ensure that the language conformed to its requirements. The Planning Commission recommended approval of the application, and staff recommends approval through the adoption of proposed Ordinance No. 03-24.

Mr. Zaremba asked how many citizens this change would affect.

Mr. Carter stated he guessed it would be 10 percent of the population, and he explained that this resulted in no change whatsoever in terms of the application of the flood plain management overlay requirements in the County. He further explained that this simply made the County's ordinance match FEMA's ordinance word for word.

Mr. Zaremba suggested that this information should go out in the Citizen's News.

Mr. Shepperd asked if this was the ordinance that sets the guidelines to build above the flood plain.

Mr. Carter affirmed it was the ordinance in combination with the building code.

Mr. Shepperd asked if areas along the coast could be built below the flood plain.

Mr. Carter stated it could not be built that way.

Mr. Wiggins stated this would enable citizens who live on the water to apply for a lower rate of insurance.

Discussion ensued on the proposed ordinance.

Chairman Burgett then called to order a public hearing on Application No. ZT-71-03 which was duly advertised as required by law. Proposed Ordinance 03-24 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-71-03 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) BY REVISING SECTION 24.1-373. FMA-FLOODPLAIN MANAGEMENT AREA OVERLAY DISTRICT TO INCORPORATE CERTAIN CHANGES REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance 03-24 which reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-71-03 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) BY REVISING SECTION 24.1-373. FMA-FLOODPLAIN MANAGEMENT AREA OVERLAY DISTRICT TO INCORPORATE CERTAIN CHANGES REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

WHEREAS, Section 24.1-373 of the Zoning Ordinance sets forth the requirements applicable to floodplain management areas in the County; and

WHEREAS, the Federal Emergency Management Agency has notified the County of the need for certain revisions in the floodplain management overlay provisions in order to maintain full compliance with the requirements of the National Flood Insurance Program; and

WHEREAS, the Planning Commission has determined that amendment of the Zoning Ordinance as recommended would be consistent with the needs and general welfare of the public that desires to participate in the National Flood Insurance Program and has recommended approval of the application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 17th day of June, 2003 that it does hereby approve Application No ZT-71-03 to amend Chapter 24.1, Zoning, of the York County Code to incorporate the following amendments to Section 24.1-373:

Amend to read as follows:

Sec. 24.1-373. FMA-Floodplain management area overlay district.

- (a) *Statement of intent.* In accordance with the objectives of the comprehensive plan, these regulations are intended to ensure the health, safety and general welfare of the public by ensuring that inhabitants and property within the areas designated as flood hazard areas are safe from damage due to flooding and that development actions will not endanger others. This section complies with the requirements of the National Flood Insurance Program (44 CFR 60.3, et seq.) administered by the Federal Emergency Management Agency and is necessary to ensure that all property owners within the county

are eligible for participation in the National Flood Insurance Program regular program and thereby able to secure such insurance at nominal rates.

(b) *Applicability.*

- (1) The special provisions established in this section shall apply to the following areas:
 - a. Areas designated as being within the 100-year floodplain by the Flood Insurance Study and as delineated on the Flood Insurance Rate Map (FIRM) dated December 16, 1988, or as subsequently may be amended as Zone A, Zone AE, or Zone VE. A copy of the Flood Insurance Study and accompanying maps shall be filed in the offices of the zoning administrator and building official.
 - b. Such other areas as may be determined by the zoning administrator, through drainage and hydrology studies, to be essential to the alleviation of potential flood damage caused by the 100-Year Flood and for which the county has requested amendment or revision of the Flood Insurance Rate Map.
- (2) These special provisions shall supplement the regulations of the zoning district within which a subject property is located. The floodplain districts described herein shall be overlays to the existing underlying zoning districts.
- (3) Where these regulations are at variance with the general regulations of this chapter, the specific regulations of the zoning district within which the property is located, or other provisions of this Code, the most restrictive regulation shall apply.
- (4) Any changes to the data contained in either the Flood Insurance Study or the Flood Insurance Rate Map as a result of natural or man-made conditions or subsequent study and analysis shall require the approval of the Federal Insurance Administrator prior to implementation. Evidence of such approval shall require the filing with the zoning administrator of one of the following:
 - a. Letter of Map Amendment (LOMA)
 - b. Letter of Map Revision (LOMR)
 - c. Physical Map Revision

In all cases, the burden of proof shall be on the applicant requesting a map or data change.

- (5) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered within the floodplain management area except in full compliance with the terms and provisions of this section. All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning certificate, as described in section 24.1-107 of this chapter. Such development shall be undertaken only in strict compliance with the provisions of this section and all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code, the York County Subdivision Ordinance (Chapter 20.5, York County Code), and other applicable state and federal laws.
- (6) All applications for development and building permits in the FMA district shall incorporate the following information:
 - a. For structures to be elevated, the elevation of the lowest floor (including basement);

- b. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed;
- c. The elevation of the one hundred (100)-year flood;
- d. Topographic information showing existing and proposed ground elevations; and
- e. Within V-Zones, information obtained and recorded on the permit application shall include the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement.

(c) For the purposes of this section, the following terms shall have the following meanings:

Basement. As used in this section, a basement shall be defined as any part of any structure where the floor is below ground level on all sides.

Channel. A perceptible natural or artificial waterway which periodically or continuously contains moving water confined to a definite bed and banks.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and the storage of materials and equipment.

Flood or flooding.

- A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - overflow of inland or tidal waters, or
 - the unusual and rapid accumulation or run-off of surface waters from any source, or
- mudslides (i.e., mudflows) which are proximately caused by flooding or precipitated by accumulations of water on or under the ground.

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by water or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined above.

Flood, 100-Year. A flood level with a one-percent (1%) or greater chance of being equaled or exceeded in any year. Also referred to as base flood.

Flood elevation, base. The elevation in feet of the 100-Year Flood level as shown on the Flood Insurance Rate Map (FIRM) published by the National Flood Insurance Program and the Federal Emergency Management Agency.

Flood hazard zone. The delineation of special flood hazard areas into insurance risk and rate classifications on the Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency and which include the following zones and criteria:

- *Zone A.* Areas subject to inundation by the 100-Year Flood where detailed analyses have not been performed and base flood elevations are not shown.

- *Zone AE.* Areas subject to inundation by the 100-Year Flood as determined by detailed methods with base flood elevations shown within each area.
- *Zone VE.* Areas along coastal regions subject to additional hazards associated with storm wave and tidal action as well as inundation by the 100-Year Flood.
- *Zone X.* Areas located above the 100-Year Flood boundary and having moderate or minimal flood hazards.

Floodplain. A land area which is likely to be inundated by a flood. Floodplain areas are generally adjacent to a river, stream, bay, lake, watercourse, or storm drainage facility.

Floodplain management area. A land area located within a Flood Hazard Zone or which has been designated by the County and to which the provisions of this section apply.

Floodproof. A construction method designed to ensure that all parts of a structure or facility located below the base flood elevation are watertight with walls impermeable to the passage of water and with structural components having the capability of withstanding hydrostatic and hydrodynamic loads and the effects of buoyancy.

Manufactured home. The provisions of section 24.1-104, *Definitions* of this chapter notwithstanding, for purposes of this section, a manufactured home shall be defined as a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Also included within this definition shall be park trailers, travel trailers, and other similar vehicles placed on a site for more than one hundred eighty (180) consecutive days, excluding however, those such vehicles stored on a property and not used for their intended purposes.

Mean sea level. National Geodetic Vertical Datum (NGVD) of 1929 to which all elevations on the FIRM and within the Flood Insurance Study are referenced.

Sand dune. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."
- Any project for improvement of a structure to correct existing violations of Virginia or county health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions.

Watercourse. A natural or artificial channel for the passage of running water fed from natural sources in a definite channel and discharging into some stream or body of water.

- (d) *Use Regulations.* Permitted uses, specially permitted uses, accessory uses, dimensional standards, and special requirements shall be as established by the underlying zoning district, except as specifically modified herein.

- (1) The following uses shall be specifically prohibited within Floodplain Management Areas:

- a. Landfills, junkyards, outdoor storage of inoperative vehicles.
- b. Manufactured homes
- c. Surface mines and borrow pits
- d. Manufacture, bulk storage, transformation or distribution of petroleum, chemical or asphalt products or any hazardous materials as defined in either or both of the following:
 - 1. Superfund Amendment and Reauthorization Act of 1986
 - 2. Identification and Listing of Hazardous Wastes, 40 C.F.R. §261 (1987)

The following products shall be specifically included:

- a) Oil and oil products including petrochemicals
- b) Radioactive materials
- c) Any material transported or stored in large commercial quantities (such as 55-gallon drums) which is a very soluble acid or base, causes abnormal growth of an organ or organism, or is highly biodegradable, exerting a strong oxygen demand
- d) Biologically accumulative poisons
- e) Substances containing the active ingredients of economic poisons that are or were ever registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 USC 135 et seq.)
- f) Substances highly lethal to mammalian or aquatic life
- e. Storage or land application of industrial wastes
- f. Outdoor storage of equipment, materials, or supplies which are buoyant, flammable, or explosive.

- (2) The provisions of article VIII. *Nonconforming Uses* of this chapter notwithstanding, no expansion of any of the above uses located within the Floodplain Management Area shall be permitted.

(e) *Special standards and requirements.*

- (1) *Standards for subdivisions.* Preliminary plans, development plans and final subdivision plats of all properties, all or part of which are located within any flood hazard zone, must be prepared and sealed by a licensed surveyor or engineer. The following information, in addition to that which would otherwise be required, shall be provided on the respective plans:
- a. The 100-Year Flood boundary, as depicted on the FIRM and the flood hazard zone classification(s) shall be depicted on preliminary plans, development plans, and final plats.

- b. Development plans shall provide topographical information for the site at a maximum contour interval of two feet (2'), provided, however, that a one foot (1') contour interval for elevations one foot (1') lesser and one foot (1') greater than the 100-Year Flood boundary shall be shown.
 - c. The elevation of the finished surface of the ground at each corner of each existing building located within any flood hazard zone shall be shown on development plans and final plats.
- (2) *Standards for site plans.* Site plans for development of all properties, all or part of which are located within any Flood hazard zone, must be prepared and sealed by a licensed surveyor or engineer and include the following information in addition to that which would otherwise be required:
 - a. The 100-Year Flood boundary, as depicted on the FIRM and the flood hazard zone classification(s).
 - b. Topographical information for the site provided at a maximum contour interval of two feet (2'), provided, however, that a one foot (1') contour interval shall be required for elevations one foot (1') lesser and one foot (1') greater than the 100-Year Flood boundary and the boundary itself shall be shown.
 - c. The elevation of the finished surface of the ground at each corner of each existing or proposed building location within any flood hazard zone.
- (3) *Standards for utilities.* All new or replacement utilities, water filtration, and wastewater treatment facilities, installed in the floodplain management area shall be designed to prevent the infiltration of floodwaters into or discharge from such utilities and to minimize the potential for flood damage.

Where private waste disposal systems are to be installed or replaced, they shall be installed so that they will not be permanently contaminated or impaired by a base flood.
- (4) *Standards for streets and roads.* The finished centerline elevation of all new public or private streets shall be no lower than six and one-half feet (6½') above mean sea level (NGVD) provided, however, that where an existing street not meeting this criterion is to be extended, the zoning administrator may approve streets or parts thereof which are below this elevation, but not lower than the elevation of the existing street.
- (5) *Standards for filling of floodplain areas.*
 - a. Where fill within the floodplain management area is proposed, the following minimum standards shall apply:
 - 1. Fill areas shall extend laterally a minimum of fifteen feet (15') beyond building lines from all points.
 - 2. Fill material shall consist only of soil and small rock materials which can pass through a three-inch (3") opening ASTM standard sieve. Organic materials, including tree stumps and asphalt rubble, shall be prohibited.
 - 3. Fill areas shall be compacted as may be specified by the zoning administrator to provide necessary permeability and resistance to erosion, scouring, or settling.
 - 4. Fill areas shall be graded to a finished slope of no steeper than one (1) vertical to three (3) horizontal, unless substantiated data,

certified by a licensed engineer, which justifies steeper slopes is submitted to and approved by the zoning administrator.

5. The zoning administrator shall impose any additional standards deemed necessary to ensure the safety of the community and properties from additional flood hazard potentials caused by filling within the floodplain management area.
 - b. Filling or any other encroachment into any channel within the floodplain management area which would, as determined by the zoning administrator, obstruct or unduly restrict water flows through the channel and, in so doing, increase the potential for flood damage shall be prohibited.
 - c. The filling of any portion of property solely to increase the elevation of the land to meet minimum lot area requirements and thereby create a buildable lot for residential construction within the floodplain management area shall be prohibited.
 - d. These standards may be waived individually by the zoning administrator, upon the recommendation of the wetlands board for approved parks, recreation facilities, shoreline erosion control and beach maintenance projects where sufficient data is presented justifying the project and where it is demonstrated that such actions will not increase flood levels on any properties.
- (6) *Standards for watercourse modification.* Watercourses shall not be altered or re-located except upon the presentation of data, certified by a licensed engineer, that the flood-carrying capacity of such a modified watercourse will be at least equal to that prior to modification. Prior to any proposed alteration of any channels or of any watercourse or stream within the Floodplain Management Area overlay district, necessary permits shall be obtained from the Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission. Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Soil and Water Conservation) and the Federal Insurance Administration.
- (7) *Construction standards for properties in Zone AE.* All new construction or substantial improvement in Zone AE of the floodplain management area shall occur in accordance with the applicable floodplain construction provisions for Zone AE contained in the Virginia Uniform Statewide Building Code. The zoning administrator shall be satisfied that all applicable provisions have been complied with prior to issuing building permits or temporary or permanent certificates of occupancy.

In addition, the following standards shall apply:

- a. It is strongly recommended that all new and replacement electrical equipment, and heating, ventilating, air conditioning and other service facilities be installed at least one and one-half feet (1½') above the base flood elevation or otherwise designed and located so as to prevent water from entering or accumulating within the system.
- b. It is strongly recommended that all electrical distribution panels be installed at least three feet (3') above the base flood elevation or otherwise designed and located so as to prevent inundation.
- c. In all cases, elevation of the lowest floor of the structure, including basements, to at least one and one-half feet (1½') above the base flood elevation or, in the case of non-residential structures, floodproofing to at

least that level, is strongly encouraged and may result in a reduction of flood insurance premiums.

- (8) *Construction standards for properties in Zone VE.* All new construction or substantial improvement in Zone VE of the floodplain management area shall occur in accordance with the applicable floodplain construction provisions for Zone VE contained in the Virginia Uniform Statewide Building Code. The zoning administrator shall be satisfied that all applicable provisions have been complied with prior to issuing building permits or temporary or permanent certificates of occupancy. In addition, the following standards shall apply:
- a. All new construction or development shall be located landward of the reach of the mean high tide.
 - b. Any man-made alteration of a sand dune or any part thereof shall be prohibited.
 - c. No structure or any part thereof may be constructed on fill material of any kind.
 - d. It is strongly recommended that all new and replacement electrical equipment, and heating, ventilating, air conditioning and other service facilities be installed at least three feet (3') above the base flood elevation or otherwise designed and located so as to prevent water from entering or accumulating within the system.
 - e. It is strongly recommended that all electrical distribution panels be installed at least six feet (6') above the base flood elevation or otherwise located so as to prevent inundation.
 - f. In all cases, elevation of the bottom of the lowest horizontal structural member of the lowest floor of the structure, excluding pilings or columns, to at least three feet (3') above the base flood elevation is strongly encouraged and may result in a reduction of flood insurance premiums.
- (9) *Construction standards for properties in Zone A.* All new construction or substantial improvements in Zone A must comply with all standards applicable to Zone AE contained in this section and the floodplain construction provisions of the Virginia Uniform Statewide Building Code. In addition, the owner and developer of such property shall provide to the zoning administrator sufficiently detailed hydrologic and hydraulic analyses, certified by a licensed engineer, to determine the base flood elevation for the property and the location of the 100-Year Flood Boundary. Upon approval by the zoning administrator, copies of all such detailed analyses shall be transmitted to the Federal Insurance Administrator for incorporation into the FIRM.
- (10) Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage system or facility.
- (f) *Variances.* Variances from the provisions of this section may be granted by the board of zoning appeals in accordance with the provisions of article IX of this chapter except that the board of zoning appeals shall notify all applicants, in writing, that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and that such construction increases risks to life and property, both their own and others. Copies of this notification shall be transmitted, along with all other records of variances from the provisions of the floodplain management area, to the Federal Insurance Administrator at least biannually. In granting variances from the provisions of this section, the board of zoning appeals shall find that the variance is the minimum necessary to afford relief.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

APPLICATION NO. ZT-74-03, YORK COUNTY BOARD OF SUPERVISORS

Mr. Carter made a presentation on Application No. ZT-74-03 to amend the York County Zoning Ordinance to establish definitions, district designations, and performance standards applicable to various types of senior housing. He explained the application was sponsored by the Board, and the objective of the amendment process has been to recognize a growing population in York County of elderly citizens and their unique housing needs. The current ordinance addresses only one type of senior housing, which is nursing homes. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 03-25. He stated if the Board agreed with the County Administrator's recommendation, the proposed ordinance would be amended to Ordinance No. 03-25(R) which would allow the deletion of the 'S' for Independent Living Facilities in the LB and GB column.

Mr. Shepperd asked if the PD section referred to a Planned Unit Development and if establishing a PUD in an R20 area would involve a rezoning.

Mr. Carter affirmed it was a PUD, and that the approval process was much like a use permit process.

Mr. Shepperd stated his support of these efforts, but noted he was concerned it opened the door for inappropriate use of residential properties.

Discussion ensued over Planned Unit Developments.

Mr. Zaremba asked if the categories of terms used in the memorandum were universally recognized in the senior housing arena, or if they were definitions exclusive to York County.

Mr. Carter advised that the terms were common use among the senior housing developments.

Mr. Zaremba asked for the difference between senior housing and nursing homes.

Discussion followed identifying the differences in senior housing and nursing home facilities.

Mr. Wiggins stated he would like the Board to approve the ordinance the way it was recommended by the committee.

Chairman Burgett called to order a public hearing on Application No. ZT-74-03 which was duly advertised as required by law. Proposed Ordinance 03-25 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-74-03,
WHICH PROPOSES AMENDMENT OF THE YORK COUNTY ZONING
ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) BY
REVISING AND ADDING VARIOUS SECTIONS TO ESTABLISH
DEFINITIONS, DISTRICT DESIGNATIONS AND PERFORMANCE
STANDARDS APPLICABLE TO VARIOUS TYPES OF SENIOR
HOUSING

Ms. Edna Haggerty, 403 Timberline Loop, a resident of the senior housing community, Rainbrook Villas, appeared before the Board to express support for senior housing. She stated that she had met people from many different states who were interested in a home like hers for themselves or their elderly parents. She explained she had been approached by several individuals wanting to purchase her home due to a lack of senior housing in the area.

Mr. Paul Garman, 109 Chisman's Point, also appeared to state his support for the proposed ordinance. He referred to the Rainbrook Villas project, stating the consultants indicate that seniors want to live close to commercial zones, thereby creating a need for the facilities to be included in the LB and GB districts. He stated in order to keep it affordable, a density of 20 units/acre should be used.

Mr. Joseph Haggerty, 403 Timberline Loop, compared the differences in senior housing to assisted living facilities which have nurses on staff at all times.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Shepperd stated this would be a welcome addition to the community.

Mrs. Noll referred back to a work session where she and the Chairman were interested in keeping independent living in the residential areas only. She agreed that the Board does have control over the matter by a Special Use Permit.

Chairman Burgett stated he was in agreement with Mrs. Noll's analysis that the Special Use Permit control would work out. He was glad to get this goal accomplished since senior housing did not exist in the County until the Board pushed it.

Mr. Zarembo then moved the adoption of proposed Ordinance R03-25 which reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-74-03, WHICH PROPOSES AMENDMENT OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) BY REVISING AND ADDING VARIOUS SECTIONS TO ESTABLISH DEFINITIONS, DISTRICT DESIGNATIONS AND PERFORMANCE STANDARDS APPLICABLE TO VARIOUS TYPES OF SENIOR HOUSING

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-74-03 to allow consideration of specific provisions to accommodate proposals for age-restricted senior housing facilities; and

WHEREAS, the Planning Commission has considered these proposed amendments and has had benefit of the extensive review and recommendations provided by the Senior Housing Study Committee; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on the proposed amendments in accordance with applicable procedures and has recommended approval of the proposed text amendments; and

WHEREAS, the Board of Supervisors has determined that the proposed amendments are appropriate and necessary to provide for the proper classification and development of this unique type of housing; and

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 17th day of June, 2003, that it does hereby approve Application No. ZT-74-03 to amend the York County Zoning Ordinance to establish specific provisions for senior housing as set out below:

Amend Chapter 24.1 as follows:

Sec. 24.1-104. Definitions.

- *Independent Living Facility:* A building or series of buildings containing independent dwelling units intended to provide housing for older persons not requiring health or other services offered through a central management structure/source. The facility may include ownership or rental units and must be subject to appropriate covenants, conditions, management policies or other procedures to ensure that the facility provides only housing for older persons, as defined above.
- *Congregate Care Facility:* A building or series of buildings containing residential living facilities intended as housing for older persons and which offers the residents of such facility the opportunity to receive their meals in a central dining facility, to receive housekeeping services and to participate in activities, health services, and other services offered through a central management structure/service.
- *Assisted Living Facility:* A building or series of buildings containing residential living facilities for older persons and which provides personal and health care services, 24-hour supervision, and various types of assistance (scheduled and unscheduled) in daily living and meeting the requirements of Section 63.2-1800, et. seq. of the Code of Virginia (1950), as amended.
- *Continuing Care Retirement Community (CCRC).* A senior housing development that is planned, designed and operated to provide a full range of accommodations for older persons, including independent living, congregate care and assisted living facilities, and which may also include a nursing home (skilled-care facility) component. Residents may move from one level to another level of housing accommodations as their needs change. CCRCs may include ownership and rental options but must be subject to appropriate covenants, conditions, management policies or other procedures to ensure that the facility provides only housing for older persons, as defined above.

Sec. 24.1-306. Table of land uses.

<i>P=PERMITTED USE</i> <i>S=PERMITTED BY SPECIAL USE PERMIT</i>	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
USES	CATEGORY 1 - RESIDENTIAL USES												
1. Residential – Conventional	P	P	P	P		S							
a) Single-Family, Detached													
b) Single-Family, Attached				S		P							
• Duplex						P							
• Townhouse						P							
• Multiplex						P							
c) Multi-Family						P							
d) Manufactured Home (Permanent)					P								

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUS- TRIAL DISTRICTS						
	RC	RR	R2 O	R1 3	R7	RM F	NB	LB	GB	WC I	EO	IL	IG
	CATEGORY 6 - INSTITUTIONAL USES												
USES													
1. Place of Worship includ- ing Accessory Parsonage, Parochial School, Acces- sory Day Care, Acces- sory Cemetery		P	P	P	P	P	P	P	P				
2 Senior Housing - Congre- gate Care						S		S	S		S		
3. Senior Housing – Assisted Living						S		S	S		S		
4. Senior Housing – Con- tinuing Care Retirement Community						S		S	S		S		
5. Nursing Home		S	S	S		S		S	S		S		
6. Medical Care Facility, including General Care Hospital, Trauma Center								S	P		P		
7. Emergency Care/First- Aid Centers or Clinic								P	P		P		
8. Secured Medical Facility									S				

Sec. 24.1-326. RMF-Multi-family residential district.

- (a) *Statement of intent.* The RMF district is intended for application in those areas designated for multi-family/general residential development by the comprehensive plan. In accordance with direction provided by the plan, this district is designed to provide opportunities for higher density living arrangements with an orientation toward the rental

market but not to the exclusion of single-family attached, owner-occupied housing types. As a high density development, this district can be expected to generate very intensive demands on public services and facilities and should be located accordingly. However, *senior housing*, which is permitted by special use permit, can be expected to generate lesser demands on most public facilities and services than would otherwise be the case on a per-unit basis for traditional general market multi-family development. Therefore, as set out in section 24.1-411, opportunities are provided for the Board of Supervisors to authorize, on a case-by-case basis, the development of such senior housing projects at a higher density level than that applicable to general market multi-family residential development.

Sec. 24.1-332. LB-Limited business district.

- (a) *Statement of intent.* The LB district is intended to provide opportunities for commercial activities having a relatively low external impact, which can be acceptable in proximity to residential areas. The activities envisioned for this district should be of a type that generally occur only during daylight hours, have relatively low external impacts in terms of noise, light, and activity levels, and can be designed to ensure their compatibility with surrounding land uses. The LB district is intended for application in areas designated for office/professional/research development by the comprehensive plan. Further, the LB district is considered an appropriate transitional district between residential and more intense commercial and industrial districts and, in that regard, the district may be appropriate in areas designated for general commercial and tourist commercial uses which are in a particularly sensitive location adjacent to or between residential uses. Accordingly, as set out in section 24.1-411, opportunities are provided for consideration by special use permit of certain types of senior housing which may be appropriate on certain properties as transitional uses.

24.1-361. PD-Planned Development District

- (c) *Permitted land uses.* The land uses within any planned development shall be substantially in accordance with the land use designation in the comprehensive plan. Where the comprehensive plan suggests that a mixed-use development can be appropriate, no less than one-half ($\frac{1}{2}$) of the acreage shall be devoted to the uses in the underlying land use designation. Subject to specific authorization by the board, the following land uses shall be permitted:
- (1) Dwellings: single-family detached, attached, or multi-family including mixtures thereof.
 - (2) Senior Housing, as defined in this chapter (i.e., Independent Living, Congregate Care, Assisted Living, or Continuing Care Retirement Communities) and in accordance with the performance standards established in Section 24.1-411.
 - (3) Public and semi-public uses such as churches, schools, offices, libraries, fire stations, parks, playgrounds, golf courses, swimming pools, tennis courts, recreational marinas, community centers, and similar types of uses.
 - (4) Commercial and retail uses which are designed, located and scaled in proportion to the overall scale of the planned development.
 - (5) Office and service sector uses such as offices and office buildings; banks and financial institutions; medical, optical, and dental clinics and laboratories; data processing centers; technical or business schools; printing, publishing, engraving, blueprinting businesses, photocopying, facsimile, and similar services; hotels and motels; and similar uses.

- (6) Limited industrial, wholesale, and warehouse uses permitted as a matter of right in the EO district.
 - (7) Uses and structures which are customarily accessory and clearly incidental and subordinate to any of the uses permitted above.
- (d) *General dimensional, density and design requirements.*
- (1) All development within the PD district shall be served by public water and public sewer systems.
 - (2) The minimum area of any tract, or combination of contiguous tracts, of land proposed for development as a PD shall be five (5) acres. Additional adjoining acreage may be added to an approved PD provided that all procedures applicable to the creation of such a district are observed.
 - (3) The maximum development density for a PD development shall be generally consistent with the density envisioned by the adopted comprehensive plan for the area in which located. The board may, however, approve density increases as a part of the PD approval and, in the case of Senior Housing developments, may consider density allowances of up to twenty (20) units per acre.
 - (4) The following dimensional standards shall be observed unless specifically modified by the board (either upwards or downwards) at the time of district approval:
 - a. Minimum lot area: none
 - b. Minimum lot width:
 - 1. single-family detached: forty-five feet (45')
 - 2. single-family attached: twenty feet (20')
 - 3. non-residential: seventy feet (70')
 - c. Minimum yard requirements:
 - 1. The minimum distance between any two principal buildings or structures shall be twenty feet (20'), except in senior housing developments where it shall be thirty (30) feet;
 - 2. The minimum distance between any principal building and an accessory building, or between any two accessory buildings, shall be ten feet (10').
 - 3. The minimum distance between any principal or accessory building and any public or private street right-of-way or common area boundary line shall be thirty feet (30').
 - 4. The minimum setback from any external property line shall be twenty feet (20').
 - d. Maximum building height:
 - 1. Residential structures shall not exceed forty feet (40') .
 - 2. Non-residential structures shall not exceed fifty feet (50') .

- (5) The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to the existing or prospective development of the neighborhood

Add new section:

24.1-411. Standards for Senior Housing (Housing for Older Persons)

- (a) All dwelling units shall be served by public water and public sewer.
- (b) The Board of Supervisors shall establish the maximum allowable density for senior housing development projects on a case-by-case basis after consideration of the documentation accompanying the Special Use Permit application, the type of facility and the unit style, the availability of necessary public services and facilities, the compatibility with surrounding land uses (both existing and potential), and such other factors as the Board may deem appropriate. In any event, the maximum allowable density shall not exceed twenty (20) units per acre, calculated using net developable acreage as determined in accordance with section 24.1-203. Senior housing developments may include up to five (5) guest suites for use on a temporary basis by families or guests of the permanent residents. Such suites shall not be used for permanent residential occupancy and, as such, will not count toward the maximum allowable density for the development. If fees are charged for use of such suites, all applicable transient occupancy taxes shall be assessed and collected.
- (c) The development project shall be designed to promote harmonious relationships with surrounding properties through attention to the type, orientation, spacing and setback of buildings, preservation and maintenance of natural vegetation, location of recreation areas, open spaces, parking areas, grading, landscaping, screening and buffering. Compliance with this requirement shall be demonstrated, documented, and evaluated through the submission of conceptual plans and renderings to accompany the Special Use Permit application.
- (d) Senior housing structures shall be designed and arranged as follows:
 1. The maximum height of multi-unit structures shall be 45 feet, notwithstanding the height limitations of the district in which located, provided, however, that the Board of Supervisors may establish a lower maximum height based on the character of the surrounding area or on emergency service considerations. The maximum height of individual detached dwelling units shall be thirty-five (35) feet.
 2. Congregate Care and Assisted Living facilities shall be accommodated in buildings having enclosed or covered corridors leading to all dwelling units and public/common use spaces.
 3. Congregate Care and Assisted Living Facilities shall be accommodated in buildings having access through a main entrance which shall be monitored at all times.
 4. The development shall incorporate spaces for recreational, community, and educational activities by and for the benefit of its residents. At a minimum, each senior housing development shall include a common meeting/activity room including a serving kitchen, a lounge/library, and other such spaces as appropriate, for example, areas for exercise, laundry, beauty parlor, and chapel. Such facilities shall be primarily intended for the use and enjoyment of the residents of the development and their guests as opposed to the general public (non-residents). The size of the common meeting/activity room shall be proportionate to the number of units in the facility and the applicant shall include information

concerning its adequacy with the Special Use Permit application. In no event shall the size of the meeting/activity room be less than 1,000 square feet

- (e) The development shall be surrounded by a perimeter buffer area of at least fifty feet (50') in width which shall be landscaped, in accordance with the provisions of article II, division 4 of this chapter, to achieve a landscaping ratio of at least one tree, either existing or newly planted, for each five hundred (500) square feet of buffer area.
- (f) Front, side and rear yards shall be provided around each building in the development in a manner that provides a minimum of twenty-five feet (25') of open landscaped space surrounding each building. Walkways may be located within the 25-foot landscaped area. No two buildings within the project shall be located closer to one another than thirty feet (30').
- (g) Exterior landscaped areas shall be provided for both active and passive activities. They should be designed to be suitable for seniors and could include walking trails, victory gardens, gazebos, and benches. A minimum of 200 square feet of common active/passive outdoor recreation area per dwelling unit shall be provided.
- (h) Fire hydrants shall be installed within the project at locations such that no building or portion thereof within the development shall be further than six hundred feet (600') from a hydrant. As part of the application for Special Use Permit, the applicant shall submit a detailed description of the proposed features of the project and building design, as well as operational procedures, that will ensure and facilitate the safety of the residents in the event of fire or other emergencies. In the case of senior housing structures not otherwise required to be constructed in accordance with the Institutional classification of the Building Code, the Department of Fire and Life Safety and the Building Official may recommend, and the Board of Supervisors may approve, a use permit condition requiring conformance to one or more aspects of the Institutional classification code pertaining to reduced combustibility of structural components, fire and smoke limiting features, as well as fire detection and suppression systems.
- (i) The following design standards shall apply to private streets and circulation drives within the development:
 - 1. Pavement shall be designed and constructed in accordance with the Virginia Department of Transportation standards for streets having the same traffic volumes as the proposed private streets and drive.
 - 2. All streets, drives, and parking areas shall be constructed with curb and gutter designed in accordance with Virginia Department of Transportation specifications.
 - 3. Street widths shall be based on the anticipated traffic volumes of the street and shall be determined in accordance with the standards contained in the county subdivision ordinance, unless otherwise approved by the Board.
- (j) Stormwater runoff from streets and parking areas within the project shall be conveyed by a storm sewer system which shall consist of curbs and gutters at the edges of pavement, curb drop inlets, and storm sewer piping in accordance with Virginia Department of Transportation and County specifications.
- (k) Off street parking shall be provided in accordance with the ratios specified in Section 24.1-608 of this Chapter unless otherwise approved by the Board of Supervisors in conjunction with consideration of the Special Use Permit application based on a site-specific and project-specific analysis provided by the applicant. In the case of a Continuing Care Retirement Community, parking shall be calculated based on the sum of the ratios applicable to the individual components (e.g., independent living units, congregate care units, etc.)
- (l) Outdoor lighting shall be provided at appropriate locations in order to illuminate ade-

quately vehicle parking areas and pedestrian and vehicular circulation routes. Such lighting fixtures and illumination levels shall be designed and arranged to be compatible with both natural and architectural characteristics of the development and the surrounding area and shall comply in all respects with the standards set out in Section 24.1-260(f) of this chapter.

- (m) Where the project will involve offering board, lodging and nursing services under an agreement for the life of the individual or for more than one year, or where such services are offered in consideration of the payment of an entrance fee, all applicable provisions and requirements of Chapter 49, Continuing Care Provider Registration and Disclosure, of the Code of Virginia (1950) shall be observed.
- (n) Applications for Special Permits for senior housing projects shall be accompanied by a community impact statement which shall analyze in specific terms the probable impact of the project on the community over time. The assessment shall include, but not be limited to, reports on population projections, public services and facilities demands and impacts, and environmental, fiscal and economic impacts.

Sec. 24.1-608. Minimum off-street parking and loading requirements.

Off-street parking spaces, loading spaces, and bicycle parking shall be provided in accordance with the minimum standards set forth as follows:

- (a) *Residential and related uses.*

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES	BICYCLE PARKING
(1) Dwelling: single-family detached & duplex	•Two (2) spaces per unit	•None.	•None.
(2) Dwelling: single-family attached (townhouse & multiplex)	•Two (2) spaces per unit; plus •One (1) space per three (3) units for visitor parking	•None.	•One (1) space per fifteen (15) units.
(3) Dwelling: multi-family	•One and one-half (1&1/2) spaces per unit; plus •One (1) space per three (3) units for visitor parking.	•None.	•One (1) space per ten (10) units.
(4) Manufactured Home on individual lot	•Two (2) spaces per unit.	•None.	•None.
(5) Manufactured Home Park	•Two (2) spaces per unit; plus •One (1) space per three (3) units for visitor parking.	•None.	•One (1) space per fifteen (15) units.
(6) Rooming, Board-	•Two (2) spaces; plus •One (1) space per	•None.	•None.

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES	BICYCLE PARKING
ing, Lodging House	each sleeping room.		
(7) Group Home	<ul style="list-style-type: none"> ●One (1) space per each two (2) beds; plus ●One (1) space per employee on the largest shift 	●None	●None
(8) Senior Housing – Independent Living Facility	One (1) space per unit; plus one space per six (6) units for visitor parking	None	None
(9) Senior Housing –Congregate Care Facility, Assisted Living Facility	One (1) space per two (2) units; plus one space per six (6) units for visitors	One (1) space	None

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

PROPOSED AMENDMENTS TO CHAPTER 4 – ANIMAL AND FOWL

Mr. Barnett made a presentation on proposed Ordinance 03-19 to amend various sections of Chapter 4, Animal and Fowl, of the York County Code to bring it into conformance with the Code of Virginia.

Chairman Burgett called to order a public hearing on Ordinance 03-19 which was duly advertised as required by law, and is entitled:

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER
4, ANIMALS AND FOWL, YORK COUNTY CODE, TO BRING IT
INTO CONFORMANCE WITH THE CODE OF VIRGINIA.

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance 03-19 which reads:

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER
4, ANIMALS AND FOWL, YORK COUNTY CODE, TO BRING IT
INTO CONFORMANCE WITH THE CODE OF VIRGINIA.

WHEREAS, the 2003 General Assembly adopted House Bill 317 which, among other things made certain amendments relative to appeal periods of local license tax assessments; and

WHEREAS, House Bill 317 requires suitable amendments to Chapter 4 of the York County Code.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 17th day of June, 2003, that Chapter 4 of the York County Code be and it is hereby amended to read and provide as follows, such amendments to take effect upon adoption:

ARTICLE I. IN GENERAL**Sec. 4-1. Violations of chapter.**

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

Sec. 4-2. Definitions

- (a) "Animal" means any nonhuman vertebrate species except fish. For purposes of Article IV. of this chapter, animal means any species susceptible to rabies. For purposes of Section 4-5, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.
- (b) "Animal yard" means a tract or parcel of land or part thereof, enhanced or not, used to contain or maintain livestock, or land upon which livestock is permitted to roam, free or tethered. The term "animal yard" shall include a pasture.
- (c) The following terms are as defined in Code of Virginia Section 3.1-796.66:
 - (1) "Abandon"
 - (2) "Companion Animal"
 - (3) "Dump"
 - (4) "Kennel"
 - (5) "Livestock"
 - (6) "Other Officer"
 - (7) "Owners"
 - (8) "Person"
 - (9) "Poultry"
 - (10) "Sore"
 - (11) "Weaned"
- (d) "Stable" means a structure constructed, designed or used for the sheltering or housing of livestock.

Sec. 4-3. Animal control officer—Generally.

- (a) There is hereby created and established the position of animal control officer. The animal control officer shall be appointed by the board of supervisors. The board may appoint one (1) or more deputy animal control officers to assist the animal control officer in dog inspection activities and in dog law enforcement. The animal control officer and any deputy animal control officers shall have all authority granted to such officers by the Virginia Comprehensive Animal Control Laws, Chapter 27.4 of Title 3.1 of the Code of Virginia. The animal control officer and the deputy animal control officers shall be paid as the county board of supervisors shall prescribe.
- (b) The animal control officer and deputy animal control officer shall have a knowledge of and shall enforce the provisions of this chapter and all ordinances of the county and laws of the state enacted for animal control and protection.
- (c) Whenever the term "animal control officer" is used in this chapter, it shall mean the animal control officer appointed pursuant to this section or any duly appointed deputy animal control officer.
- (d) Nothing in this section shall be construed to prevent the issuance of a warrant for any violation of this chapter based upon the complaint of any citizen or any law enforcement officer and upon a finding of probable cause by an officer authorized to issue arrest warrants generally.

- (e) Every animal control officer and deputy animal control officers shall complete the following training: Within two years after appointment, a basic animal control course that has been approved by the Virginia Department of Criminal Justice Services and the State Veterinarian which shall include training in recognizing suspected child abuse and neglect and information on how complaints may be filed.

Sec. 4-4. Animals or fowl trespassing or running at large on highways.

It shall be unlawful for any person to cause or permit any animal or fowl owned or managed by, or under the control of, such person to trespass upon any land not owned or managed by, or not under the control of, such person, or to cause or permit any animal or fowl owned or managed by, or under the control of, such person to run at large upon any public highway within the county, whether such highway be enclosed by a fence or not. Any person who causes or permits any exotic or poisonous animal to run at large may be required to pay a fee to cover the actual cost in locating, capturing and/or otherwise disposing of the animal. Actual costs in locating, capturing and/or otherwise disposing of the animal include any medical costs incurred by any county employee who is injured and/or envenomed during the process of locating, capturing and/or otherwise disposing of the animal. For purposes of this section, "exotic animal" means any animal other than a companion animal, cattle, horses, sheep, goats, swine, enclosed domesticated rabbits or hares, domestic fowl and games birds raised in captivity.

Sec. 4-5. Cruelty to animals.

- (a) Any person who:
 - (1) Overrides, overdrives, overloads, tortures, illtreats, abandons (as defined in section 4-6 of this article), willfully inflicts inhumane injury or pain, not connected with a bona fide scientific or medical experimentation, upon or cruelly or unnecessarily beats, maims, mutilates or kills, any animal, whether belonging to himself or another, or deprives any animal of necessary sustenance, food, drink or shelter, or emergency veterinary treatment; or
 - (2) Sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sales, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; or
 - (3) Willfully sets on foot, instigates, engages in or in any way furthers any act of cruelty to any animal; or
 - (4) Carries or causes to be carried in or upon any vehicle or vessel or otherwise any animal in a cruel, brutal or inhumane manner, so as to produce torture or unnecessary suffering; or
 - (5) Causes any of the above things, or being the owner of such animal permits such acts to be done by another;

shall be guilty of a Class I misdemeanor.

- (b) Nothing in this section shall be construed to prohibit the dehorning of cattle.
- (c) The word "animal," used in this section, shall be construed to include birds and fowl.

Sec. 4-6. Abandoning domestic animal in public place or on property of another.

No person shall abandon or dump any animal. "Abandonment," for the purpose of this section, is defined as deserting, forsaking or intending to absolutely give up an animal without securing

another owner or without providing the necessities for the life and well-being of the animal. Violation of this section shall be punishable as a Class 3 misdemeanor.

Sec. 4-7. Disposal of dead animals or fowl.

- (a) The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury or sanitarily dispose of the same. If, after notice, any owner fails to do so, the animal control officer or other officer shall bury or cremate the animal and the control officer or other officer may recover, on behalf of the county, the cost of this service.
- (b) Any person, animal control officer or other officer euthanizing a companion animal under this chapter shall cremate, bury or sanitarily dispose of the same.
- (c) As to animals which are other than companion animals, when the owner of any animal or grown fowl, other than companion animal, which has died knows of such death, such owner shall forthwith have its body cremated or buried, and, if he fails to do so, any judge of a general district court, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover of the owner of every such animal so cremated or buried the actual cost of the cremation or burial, not to exceed seventy-five dollars, and of the owner of every such fowl so cremated or buried the actual cost of the cremation or burial, not to exceed five dollars, to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.

Sec. 4-8. Leaving disabled or dead animal in road or allowing dead animal to remain unburied.

If any person casts any dead animal into a road or knowingly permits any dead animal to remain unburied upon his property when offensive to the public or having in custody any maimed, diseased, disabled or infirmed animal leaves it to lie or be in a street, road or public place, he shall be guilty of a Class 3 misdemeanor.

Sec. 4-9—4-16. Reserved.

ARTICLE II. LIVESTOCK

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ARTICLE III. DOGS

DIVISION I. GENERALLY

Sec. 4-33. Definitions.

For the purpose of this article, and unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

Dangerous dog. Any canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal, or killed a companion animal; however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite or (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog

while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

Treasurer. Includes the treasurer of the county or other officer designated by law to collect taxes in the county.

Vicious dog. Any canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or the animal control officer pursuant to section 4-37(j) that it is a dangerous dog, provided that its owner has been given notice of that finding.

Sec. 4-34. Dogs and cats deemed personal property; rights relating thereto.

- (a) All dogs and cats shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass. "Owners," as defined in section 4-2 of this chapter, may maintain any action for the killing of any such animals, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this chapter by any person shall be entitled to recover the value thereof or the damage done thereto in any appropriate action at law from such person.
- (b) The animal control officer or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to the law, shall have the authority to seize and hold such animal pending action before the general district court or other court. If no such action is instituted within seven (7) days, the animal control officer or other officer shall deliver the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises, and the animal control officer may take such animal in charge and notify its legal owner to remove it. The legal owner of the animal shall pay five dollars (\$5.00) per day or any part of a day, or such other sum as may be prescribed by the board of supervisors, for the keep of such animal while impounded.

* * *

Sec. 4-36. Dogs running at-large—Impoundment and disposition.

- (a) Any dog found running at-large without the tag required by section 4-53 or in violation of section 4-35 of this article shall be apprehended by the animal control officer or other officer and placed in a pound meeting the requirements of the Code of Virginia. All drugs and drug administering equipment used by animal wardens or other officers to capture dogs shall have been approved by the state veterinarian.
- (b) A dog impounded under this section shall be kept for a period of not less than five (5) days, such period to commence on the day immediately following the day the dog is initially confined, during which time the owner may reclaim the dog by showing satisfactory proof of ownership and paying an impoundment fee of twenty dollars (\$20.00), plus a boarding fee of five dollars (\$5.00) for each day or part thereof that the dog is so confined. The operator or custodian of the pound shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight hours following its confinement.
- (c) The payment of the impoundment fee and board fee provided for in this section shall not relieve the owner of his liability for any violation of section 4-35 of this article.
- (d) If a dog confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as provided by subsection (b), it shall be deemed abandoned

and become the property of the pound or shelter. If such abandoned animal did not, when delivered to the pound, bear a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by the methods set forth in section 3.1-796.96 (c), Code of Virginia. Otherwise, the disposition of the animal by the pound shall be as permitted by any applicable provision of Code of Virginia section 3.1-796.96.

- (e) No provision of this section shall prohibit the euthanasia of a critically injured or critically ill animal for humane purposes. Neither shall any provision in this section prohibit the destruction, for humane purposes, of any animal not weaned, whether or not the animal is critically injured or critically ill.
- (f) Any animal euthanized pursuant to the provisions of this section shall be euthanized by one of the methods prescribed by or approved by the state veterinarian.
- (g) Prior to disposition by euthanasia, or otherwise, all the provisions of this section shall have been complied with.
- (h) In the event that the county has contracted with any other entity to maintain a pound enclosure, then, in addition to any fees specified in this section, the person claiming the impounded animal shall pay all applicable fees charged by the entity maintaining the pound enclosure.

Sec. 4-37. Vicious and dangerous dogs.

- (a) Any animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Code of Virginia § 3.1-796.119.
- (b) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog, or a vicious dog.
- (c) The owner of any animal found to be dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of fifty dollars in addition to other fees that may be authorized by law. The animal control officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates

obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

- (d) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000, that covers animal bites.
- (e) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (f) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (g) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.
- (h) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class 1 misdemeanor.
- (i) All fees collected pursuant to the ordinance, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund maintained by the treasurer for the purpose of paying the expenses of any training course required of animal control officers under Code of Virginia § 3.1-796.104:1.
- (j) Notwithstanding the provisions of subdivision (a), the animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the ordinance. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.

Sec. 4-38. Dogs killing or injuring livestock or poultry.

- (a) It shall be the duty of the animal control officer or other officer, when he finds a dog in the act of killing or injuring livestock or poultry, to kill such dog forthwith, whether such dog bears a tag or not, and any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight, as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by

the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian or harbinger of the dog to produce the dog.

- (b) If the animal control officer has reason to believe that any dog is killing livestock or poultry, he shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned in this section.
- (c) If the animal control officer or any other person has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, he shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian of the dog, if known, to appear before the general district court at a time and place named therein, at which time evidence shall be heard and, if it shall appear that such a dog is a livestock killer, or has committed any of the depredations mentioned in this section, the dog shall be (i) ordered killed immediately, which the animal control officer, or other officer designated by the judge of the court to act, shall do, or (ii) removed to another state which does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth which is later found in the Commonwealth shall be ordered by a court to be killed immediately.
- (d) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry, not to exceed four hundred dollars (\$400.00) per animal or ten dollars (\$10.00) per fowl; provided, that the claimant has furnished evidence within sixty (60) days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; the animal control officer or other officer shall have been notified of the incident with seventy-two (72) hours of its discovery; and the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied. Upon payment under this section, the board of supervisors shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

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DIVISION 2. LICENSE

Sec. 4-47. Tax imposed.

- (a) An annual license tax on the ownership of dogs within the county is hereby imposed in the following amounts:

(1)	Male, female and spayed or neutered dogs.. .. .	\$ 5.00
(2)	Kennel of not more than 10 dogs	15.00
(3)	Kennel of not more than 20 dogs	20.00
(4)	Kennel of not more than 30 dogs	25.00
(5)	Kennel of not more than 40 dogs	30.00
(6)	Kennel of not more than 50 dogs	35.00
- (b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing-impaired person or that is trained and serves as a service dog for a mobility-impaired person. As used in this subsection, the term "hearing dog" means a dog trained to alert its owner, by touch, to sounds of danger and sounds to which the owner should respond, and the term "service dog" means a dog trained to accompany its owner for the

purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

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Sec. 4-51. Issuance, composition and contents of license.

- (a) Upon receipt of a proper application and the prescribed license tax, the treasurer shall issue a dog license; provided that no such license shall be issued for any dog, unless there is presented to the treasurer a certificate of vaccination, or other evidence satisfactory to the treasurer that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian or a currently licensed veterinarian technician who was under the immediate and direct supervision of a licensed veterinarian on the premises issued pursuant to section 4-69 of this article in accord with the provisions of such section. Upon issuance of the license, the treasurer shall make notation of the date of issuance of the license on the certificate of vaccination or other document, and return the certificate or other document to the applicant. It shall be unlawful for any person to present a certificate of vaccination for a dog other than that for which it was issued.
- (b) Each dog license shall consist of a license tax receipt and a metal tag. Such receipt shall have recorded thereon the amount of the tax paid, the name and address of the owner or custodian of the dog, the date of payment, the year for which issued, the serial number of the tag and whether the license is issued for a male, female or unsexed female dog or for a kennel. The metal tag issued hereunder shall be stamped or otherwise permanently marked to show the name of the county and the calendar year for which issued and shall bear a serial number.
- (c) The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of such licenses.

Sec. 4-52. Preservation and exhibition of license receipt; posting of kennel license receipt.

Dog license receipts and kennel license receipts shall be carefully preserved by the owner or custodian of the dog licensed. Dog license receipts shall be exhibited promptly on request for inspection by the animal control officer or other officer. Kennel receipts shall be securely fastened to the kennel enclosure for which the license was issued, and one of the identification plates provided therewith shall be attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any dog control officer or other officer upon receipt. A violation of this section shall be punished by imposition of a civil penalty as is set out in section 1-10 of this Code.

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Sec. 4-56. Record of licenses sold.

The treasurer shall enter, in a dog license sales record book, containing original and duplicate sheets, the date of sale of dog licenses, including kennel licenses, the names and addresses of persons to whom sold, and the serial numbers and the amount of the license tax paid. The treasurer shall deliver to the animal control officer, on or before the fifth day of each month, the original sheets from his dog license sales record book of all persons who bought dog tags during the previous month.

Sec. 4-57. Disposition of funds.

- (a) Unless otherwise provided by ordinance of the board of supervisors, the treasurer shall deposit all money collected by him for dog license taxes in the general fund for the purposes set out below. Such funds shall be used for the following purposes:
 - (1) The salary and expenses of the animal control officer and necessary staff;
 - (2) The care and maintenance of a dog pound;
 - (3) The maintenance of a rabies control program;
 - (4) Payments as a bounty to any person neutering or spaying a dog up to the amount of one (1) year of the license fee set forth in section 4-47 of this article; and
 - (5) Payments for compensation as provided in section 4-38(d) of this article.
 - (6) Efforts to promote sterilization of dogs and cats.
- (b) Any part or all of any surplus remaining in such account on December 31 of any year may be transferred by the board of supervisors into the general fund of the county.

Sec. 4-58. Disposition of unsold tags.

As soon as practicable after December thirty-first of each year, the treasurer shall prepare a list of all unsold dog license tags of that calendar year and, upon request, shall present such list to the county administrator or to any auditors retained by the county to review the county's financial records. Following the acceptance by the board of supervisors of the county's audit report, the treasurer may destroy all such unsold license tags.

ARTICLE IV. RABIES CONTROL

Sec. 4-69. Inoculation of cats and dogs.

- (a) It shall be unlawful for any person to own, keep, possess, board or harbor any cat or dog over the age of four (4) months within the county, unless such cat or dog has been inoculated against rabies by a currently licensed veterinarian or by a licensed veterinarian technician who was under the immediate and direct supervision of a licensed veterinarian on the premises, and the term of effectiveness of such inoculation has not expired.
- (b) Any person bringing a cat or dog into the county from another jurisdiction shall conform to this section within ten (10) days after bringing such cat or dog into the county.
- (c) At the time of inoculation as required by this section, a certificate of inoculation shall be issued to the owner. Such certificate shall show the date of inoculation and duration of its effectiveness, the number of the rabies tag issued, a brief description of the cat or dog and its sex and breed and the name of the owner thereof.
- (d) A violation of any provision of this section shall be punished by imposition of a civil penalty as is set out in section 1-10 of this Code.

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Sec. 4-71. Emergency ordinance requiring confinement or restraint of dogs or cats when rabid animal at-large.

When there is a sufficient reason to believe that a rabid animal is at-large, the board of supervisors shall have the power to pass an emergency ordinance, that shall become effective immediately upon passage, requiring owners of all dogs and cats in the county to keep the same

confined on their premises, unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten thereby. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty (30) days, unless renewed by the board of supervisors. It shall be unlawful for any person to violate the provisions of any such ordinance.

Sec. 4-72. Confinement or destruction of dogs or cats showing signs of or suspected of having rabies.

Any dog or cat found within the county showing active signs of rabies or suspected of having rabies shall be forthwith taken into custody by the animal control officer or other officer and confined under competent observation for such time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the state veterinarian.

Sec. 4-73. Destruction or confinement of dog or cat bitten by rabid animal.

Any dog or cat for which no proof of current rabies vaccination is available, and which is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, shall be confined in a pound, kennel or enclosure approved by the health department for a period not to exceed six (6) months at the expense of the owner; however, if this is not feasible, the dog or cat shall be euthanized by one of the methods approved by the state veterinarian. A rabies vaccination shall be administered prior to release. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, with proof of a valid rabies vaccination shall be revaccinated immediately following the bite and shall be confined to the premises of the owner, or other site as may be approved by the local health department, for a period of forty-five (45) days.

Sec. 4-74. Confinement or destruction of animal which has bitten person.

- (a) The owner or keeper of any animal that has bitten any person shall immediately confine it in a substantial and satisfactory enclosure, meeting the approval of the health director, and he shall forthwith notify the animal control officer or the health officer, giving the name and address of the person bitten, if known to him, and the location of the confined animal. Such animal shall be quarantined under the observation of the health officer and the animal control officer for a period of ten (10) days, unless the animal develops active symptoms of rabies or expires before that time, during which time of confinement it shall not be permitted to leave the enclosure. At the end of such quarantine period, the animal control officer may permit the animal to be released from confinement if, in his opinion, it is not vicious, provided the court has not ruled upon the question to the contrary.
- (b) Notwithstanding the above provisions, a seriously injured or sick animal may be humanely euthanized by one of the methods approved by the state veterinarian and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services or the local health department for evaluation.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

PUBLIC AREAS ORDINANCE: LEASHES ON DOGS

Mr. Barnett made a presentation on proposed Ordinance No. 03-22 to amend the York County Code to require leashes on dogs in public areas.

Mrs. Anne Smith, Director of Community Services, stated that the Division of Parks and Recreation was responsible for implementing the Board's Public Area's Ordinance, and in response to complaints from citizens who were using the parks, the division solicited surveys of two parks: New Quarter Park, which showed 769 dogs mostly unleashed; and Kiln Creek Park, indicating 116 unleashed dogs.

Mrs. Noll asked where the 116 dogs in Kiln Creek were unleashed and how many actual complaints had been received from citizens.

Mrs. Smith explained they were in all areas of the park, but there had been many difficulties with dogs in the ball field areas.

Ms. Cheryl Sonderman, Manager of Parks and Recreation, did not know the specific number of complaints, but indicated there were many over the last several years. She cited several examples of complaints which included a child who was bitten at Wolftap Park this past spring; an attack on a leashed dog by an unleashed dog; dogs that charge citizens' cars; and dogs eating the picnic foods in the park.

Mrs. Noll asked how those areas could be policed.

Ms. Sonderman explained that when they have site supervisors in the park areas, they can inform the person with an unleashed dog that there is now a leash law in effect and that the dog must be on a leash. If the citizen does not cooperate, the staff person will contact 911 and have a law enforcement person sent out. She stated that signs to entrances and areas throughout the park will be erected explaining the new ordinance.

Mr. Barnett pointed out that the ordinance stipulates areas in the parks and school areas where dogs can run free.

Mr. Wiggins asked Mr. Barnett for an explanation of the current ordinance in place.

Mr. Barnett explained the current laws to the Board members.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 03-22 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 17-55 REGARDING DOGS IN PUBLIC AREAS

There being no one present who wished to speak concerning the subject Ordinance, Chairman Burgett closed the public hearing.

Chairman Burgett expressed his agreement with the leash law in common areas and acknowledged the rights of citizens to be in public areas without fear of being approached by a strange dog.

Mr. Zarembo then moved the adoption of proposed Ordinance No. 03-22 which reads:

AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 17-55 REGARDING DOGS IN PUBLIC AREAS

BE IT ORDAINED by the York County Board of Supervisors, this 17th day of June, 2003, that section 17-55, York County Code, be and it is hereby amended, to read and provide as follows:

Sec. 17-55. Dogs and other domesticated animals.

Dogs and other domesticated animals are prohibited in public areas unless they are crated, caged or on a leash. In the case of a dog, the dog's custodian must secure the animal by a collar with a chain, cord or leash not exceeding eight (8) feet in length, and have the animal under complete and immediate control while in a public area. Dogs may be off-leash only in

such areas and during such times as have been specifically designated for such activity by the appropriate governing official. No person shall allow a dog or other animal to discharge excrement on the premises of any public area, without promptly removing and disposing of the waste in such a manner as to eliminate any inconvenience to others. Domesticated animals are prohibited in public eating places and on all swimming or bathing beaches. The appropriate governing official may also designate, by the posting of appropriate signs, other portions of the public areas where domesticated animals are not permitted. This section shall not apply to guide dogs for the handicapped. A violation of any provision of this section shall be punished by imposition of a civil penalty as is set out in section 1-10 of this Code.

On roll call the vote was:

Yea:	(4)	Wiggins, Shepperd, Zaremba, Burgett
Nay:	(1)	Noll

ASSESSMENT OF DELINQUENT TAXPAYERS

Mr. Barnett discussed the recommended changes in proposed Ordinance No. 03-20 to amend the York County Code regarding the assessment of delinquent taxpayers for administrative costs.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 03-20 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 21-7, YORK COUNTY
CODE, ASSESSMENT OF DELINQUENT TAXPAYERS FOR AD-
MINISTRATIVE COSTS.

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mr. Shepperd asked about the notices that are sent out and how many times a fee is levied. He pointed out that homeowners could, in the past, withhold their taxes, only for them to be transferred later to the family. He then questioned if \$30 was incurred every time a notice was sent out.

Ms. Debbie Robinson, Treasurer, explained that the administrative fee was specific to the action taken and that it was very rarely used for real estate. She further explained that the administrative fee is used on personal property.

Mrs. Noll then moved the adoption of proposed Ordinance No. 03-20 which reads:

AN ORDINANCE TO AMEND SECTION 21-7, YORK COUNTY
CODE, ASSESSMENT OF DELINQUENT TAXPAYERS FOR AD-
MINISTRATIVE COSTS.

BE IT ORDAINED by the York County Board of Supervisors this 17th day of June, 2003, that section 21-7 of the York County Code be and it is hereby amended effective July 1, 2003, to read and provide as follows:

Sec. 21-7. Assessment of delinquent taxpayers for administrative costs.

In the event that the treasurer shall have notified any taxpayer of a delinquency in any tax or other charge as provided in section 58.1-3919, Code of Virginia, then in addition to all taxes, penalties and interest due, such taxpayer shall pay an administrative fee as provided in section 58.1-3958, Code of Virginia, to cover the cost of collection in the following amount:

- (a) Thirty dollars (\$30.00) if the total amount due is collected thirty (30) or more days after notice of such delinquent taxes or charges but prior to the taking of any judgment with

respect to such delinquent taxes or changes; or Thirty-five dollars (\$35.00) if the total amount due is collected subsequent to judgment.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

AMENDMENTS TO THE YORK COUNTY CODE FOR CONFORMANCE WITH CODE OF VIRGINIA

Mr. Barnett gave a presentation on proposed Ordinance Nos. 03-14, 03-15, 03-18 and 03-21 to amend the York County Code to bring it into conformance with the State Code by amending Sections 10-2, 10-11, 2-4 and 21-15. He pointed out that in proposed Ordinance No. 03-18, paragraph A, the wording should be changed to 'the County Administrator or his designee' which would allow others to request a background check on behalf of the County Administrator.

Mr. Zaremba asked if the state law allowed them to amend the County Code to preclude someone, under the auspices of a land disturbing permit, from doing things that are inconsistent with what the ordinance allowed. He cited a specific contractor in the northern part of the County, and he asked if the loophole had been closed, or if the State Code allowed the closure of the loophole.

Mr. Barnett stated the loophole was due to the County's Zoning Ordinance.

Mr. Carter explained that the loophole was closed by an amendment adopted by the Board.

Proposed Ordinance No. 03-14

Chairman Burgett called to order a public hearing on proposed Ordinance 03-14 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 10-2, DEFINITIONS, OF
CHAPTER 10, EROSION AND SEDIMENT CONTROL, YORK
COUNTY CODE, TO BRING IT INTO CONFORMANCE WITH
STATE CODE

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance 03-14 which reads:

AN ORDINANCE TO AMEND SECTION 10-2, DEFINITIONS, OF
CHAPTER 10, EROSION AND SEDIMENT CONTROL, YORK
COUNTY CODE, TO BRING IT INTO CONFORMANCE WITH
STATE CODE

BE IT ORDAINED by the York County Board of Supervisors, this 17th day of June, 2003, that section 10-2, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 10-2. Definitions.

For the purpose of this chapter, the following words and terms shall have the meanings ascribed to them in this section:

Agreement in lieu of a plan. A contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in the construction of a

single-family detached dwelling; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

Applicant. Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Certified inspector. An employee or agent of the County who has been designated as such by the county administrator. A certified inspector shall (i) hold a certificate of competence from the Virginia Soil And Water Conservation Board in the area of project inspection or (ii) be enrolled in the Virginia Soil and Water Conservation Board's training program for project inspection and successfully complete such program within one year after enrollment.

Certified plan reviewer. A County employee or agent who has been designated as such by the county administrator. A certified plan reviewer shall (i) hold a certificate of competence from the Virginia Soil and Water Conservation Board in the area of plan review, (ii) be enrolled in the Virginia Soil and Water Conservation Board's training program for plan review and successfully complete such program within one year after enrollment, or (iii) be licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (Sec 54.1-400 et seq.) of chapter 4 of title 54.1 of the Code of Virginia, as it may be amended from time to time.

Certified program administrator. A County employee or agent designated as such by the county administrator. A certified program administrator shall (i) hold a certificate of competence from the Virginia Soil and Water Conservation Board in the area of program administration or (ii) be enrolled in the Virginia Soil and Water Conservation Board's training program for program administration and successfully complete such program within one year after enrollment.

Clearing. Any activity which removes the vegetative ground cover including, but not limited to, root mat removal or topsoil removal.

Code of Virginia. All references herein to the Code of Virginia are to the Code of Virginia (1950), as it may be amended from time to time.

Conservation plan, erosion and sediment control plan, or plan. A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretation and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

County. The County of York.

County Administrator. The county administrator for York County, or his designee.

Department. The Virginia Department of Conservation and Recreation.

Director. The director of the Virginia Department of Conservation and Recreation.

District or soil and water conservation district. Refers to the Colonial Soil and Water District.

Erosion Impact area. An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Excavating. Any digging, scooping or other methods of removing earth materials.

Filling. Any depositing or stockpiling of earth materials.

Grading. Any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Land-disturbing activity. Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to clearing, grading, excavating, transporting and filling of land except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk, provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to the construction of the building to be served by the septic tank system;
- (5) Surface or deep mining;
- (6) Exploration or drilling for oil and gas, including the well site, roads, feeder lines and off-site disposal areas;
- (7) Tilling, planting or harvesting of agricultural, horticultural or forest crops or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 of Title 10.1 of the Code of Virginia (Sec 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in Code of Virginia Sec 10.1-1163(B);
- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (9) Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Virginia Dam Safety Act (Article 2 of Chapter 6 of Title 10.1, Code of Virginia, Sec. 10.1-604 et seq.) ditches, strip cropping, lister furrowing, contour cultivation, contour furrowing, land drainage and land irrigation;
- (10) Disturbed land areas of less than two thousand five hundred (2,500) square feet in size;
- (11) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (12) Shore erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands board, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto;
- (13) Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall

be shaped and stabilized in accordance with the requirements of the plan approving authority.

Land-disturbing permit. A permit issued by the County for the clearing, filling, excavating, grading, transporting of land or for any combination thereof for any purpose set forth herein.

Local erosion and sediment control program or local control program. All of the various methods employed by the County to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program, which may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

Minimum Standards. Those Minimum Standards contained within the Erosion and Sediment Control Regulations promulgated by the Virginia Soil and Water Conservation Board, as set out in 4VAC50-30-40 of the Virginia Administrative Code as they may be amended from time to time.

Owner. The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Permittee. The person to whom a permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or any other political subdivision of the state, any interstate body, or any other legal entity.

Plan-approving authority. The county administrator or his designee who is responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

Program authority. The County, which has adopted a soil erosion and sediment control program approved by the Virginia Soil and Water Conservation Board.

Regulations. All regulations promulgated by any local, state, or federal governmental agency having oversight and authority over the control of erosion and sedimentation resulting from land-disturbing activities, including (without limitation) the Erosion and Sediment Control Regulations and the Virginia Erosion and Sediment Control Handbook promulgated by the Virginia Soil and Water Conservation Board, as they may be amended from time to time.

Responsible Land Disturber. An individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Virginia Soil and Water Conservation Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of chapter 4 of title 54.1 of the Code of Virginia, as it may be amended from time to time.

Single-family detached dwelling. A noncommercial one-family dwelling unit which is surrounded on all sides by yards or other open space located on the same lot and which is not attached to any other dwelling by any means. For purposes of the definition of a "single-family detached dwelling", the term "family" shall have the same meaning as is defined in the York County zoning ordinance, Chapter 24.1 of this Code.

State erosion and sediment control program or state program. The program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia, including regulations designed to minimize erosion and sedimentation.

State waters. All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Transporting. Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Proposed Ordinance No. 03-15

Chairman Burgett called to order a public hearing on proposed Ordinance No. 03-15 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 10-11 OF THE YORK
COUNTY CODE, REGULATED LAND-DISTURBING ACTIVITIES;
CONTENTS, SUBMISSION AND APPROVAL OF PLANS, TO BRING
IT INTO CONFORMANCE WITH STATE CODE

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 03-15 which reads:

AN ORDINANCE TO AMEND SECTION 10-11 OF THE YORK
COUNTY CODE, REGULATED LAND-DISTURBING ACTIVITIES;
CONTENTS, SUBMISSION AND APPROVAL OF PLANS, TO BRING
IT INTO CONFORMANCE WITH STATE CODE

BE IT ORDAINED by the York County Board of Supervisors, this 17th day of June, 2003, that section 10-11, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 10-11. Regulated land-disturbing activities; contents, submission and approval of plans

- (a) Except as provided herein, no person may engage in any land-disturbing activity until he has submitted to the County Department of Environmental and Development Services an erosion and sediment control plan ("plan") for the land-disturbing activity and such plan has been approved by the plan-approving authority.

Where land-disturbing activities involve lands under the jurisdiction of more than one local erosion and sediment control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Virginia Soil and Water Conservation Board for review and approval rather than to each jurisdiction concerned.

Where the land-disturbing activity results from the construction of a single-family detached dwelling, an "agreement in lieu of a plan" may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

- (b) The standards contained within the Virginia Erosion and Sediment Control Regulations and the Virginia Erosion and Sediment Control Handbook are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by these same standards,

regulations and guidelines. When the standards vary between the publications, the Virginia Erosion and Sediment Control Regulations shall take precedence. In addition to the above standards, the following requirements shall be met for plan submissions:

- (1) A minimum of four copies of the erosion and sediment control plan shall be submitted for review and approval.
 - (2) Plan sheet size shall be 24 inches by 36 inches.
 - (3) Plans shall be prepared to an appropriate engineer's scale and the scale shall be shown on the plan. Scale shall be no smaller than one inch equal to 100 feet.
 - (4) The name of the project, the developer, the owner of the property and the name, address, and telephone number of the person or firm preparing the plan shall be listed on the plan.
 - (5) The location and extent of any transitional buffers, infiltration yards, environmental management areas (includes Chesapeake Bay preservation areas), floodplain management areas, historic resources management areas, tourist corridor management areas or watershed management and protection areas that may be required by the application of chapter 24.1 (zoning ordinance) of this code shall be shown on the plan.
 - (6) The location, type, extent, owner's name and recordation information of any existing or proposed landscape, conservation, preservation, drainage, utility, ingress/egress or similar easements on the subject property or adjoining the property shall be shown on the plan.
 - (7) Trees proposed for preservation, their approximate drip line and the location, type and extent of tree protection devices and measures to assure preservation during clearing and subsequent development activity shall be shown on the plan.
 - (8) The sequence of construction outlining the installation and removal of erosion and sediment control measures in relationship to the development of the site shall be on the plan.
 - (9) An itemized cost estimate detailing the expected total construction costs of all erosion and sediment control measures associated with the plan shall be prepared and submitted along with the plan.
- (c) The plan-approving authority shall, within 45 days, approve any such plan, if it is determined that the plan meets the requirements of the local control program, and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this ordinance.
- (d) The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval.

When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

- (e) Consistent with Code of Virginia section 10.1-563(B), as a prerequisite to engaging in any land-disturbing activities as shown on an approved plan, the person responsible for implementing the erosion and sediment control plan shall provide the name of a Responsible Land Disturber, who will be in charge of and responsible for carrying out the land disturbing activity in accordance with the approved plan. Failure to provide the

name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this chapter.

- (f) An approved plan may be changed by the plan-approving authority when:
- (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
 - (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.
- (g) When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- (h) Consistent with Code of Virginia section 10.1-563(D), electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies or railroad companies shall file general erosion and sediment control specifications annually with the Virginia Soil and Water Conservation Board for review and approval. The specifications shall apply to:
- (1) Construction, installation and maintenance of electric, natural gas and telephone utility lines and pipelines; and
 - (2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.
- Individual County approval of separate projects as described in (1) and (2), above, shall not be required provided that Virginia Soil and Water Conservation Board approved specifications are followed. Projects not described in (1) and (2) above shall comply with the requirements of this ordinance.
- (i) State agency projects are exempt from the provisions of this chapter except as provided for in the Code of Virginia, section 10.1-564.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

Proposed Ordinance No. 18(R)

Chairman Burgett called to order a public hearing on proposed Ordinance No. 18(R) which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 2-4
TO AUTHORIZE THE REQUIREMENT FOR THE SUBMISSION OF
FINGERPRINTS OF CERTAIN APPLICANTS FOR EMPLOYMENT
TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance R03-18(R) which reads:

AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 2-4
TO AUTHORIZE THE REQUIREMENT FOR THE SUBMISSION OF
FINGERPRINTS OF CERTAIN APPLICANTS FOR EMPLOYMENT
TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION

BE IT ORDAINED by the York County Board of Supervisors, this 17th day of June, 2003, that section 2-4, York County Code, be and it is hereby amended, effective as of July 1, 2003, to read and provide as follows:

Sec. 2-4. Authority to obtain criminal history record information.

- (a) Whenever in the course of investigations of applicants who have been selected for public employment it is necessary in the interest of the public welfare or safety to determine if the past criminal conduct of the applicant is compatible with the nature of the employment, or when the provisions of this Code require the disclosure of criminal history information by an applicant, or the applicant's employees, in order for some privilege to be granted by the county or when such Code requires a criminal history record check of an applicant, or the applicant's employees, the county administrator or his designee shall be authorized to obtain the criminal history record of such applicant, or such applicant's employees, from the Virginia Central Criminal Records Exchange or other appropriate sources.
- (b) The county administrator or his designee is specifically authorized pursuant to the provisions of Section 19.2-389 (A) (7), Code of Virginia, to request from the Virginia Central Criminal Records Exchange the criminal history record of any applicant who has been selected for public employment whose anticipated duties or responsibilities would require (i) access to public records or to personal information as defined in Section 2.1-379, Code of Virginia, (ii) accountability for public funds, (iii) access to county supplies, (iv) entry into secured areas outside of working hours, (v) right of entry onto private property, or (vi) child care or assistance to the elderly or disabled. The applicant shall submit to fingerprinting and shall provide the county administrator with personal descriptive information to be forwarded along with the applicant's fingerprints through the Virginia Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal record history information regarding the applicant. The applicant shall pay the cost, if any, of the fingerprinting and of the criminal records check.
- (b) The criminal history record information provided in accordance with this section shall be used solely to assess eligibility for public employment or service, or for the permit applied for, and shall not be disseminated to any person not involved in the assessment process. If an applicant is denied employment because of information appearing in his criminal record history, the county administrator or his designee shall notify the applicant that information from the Virginia Central Criminal Records Exchange contributed to such denial.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

Proposed Ordinance No. 21

Chairman Burgett called to order a public hearing on proposed Ordinance No. 21 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 21-
15 REGARDING ORGANIZATION OF THE BOARD OF EQUALI-
ZATION, TO BRING IT INTO CONFORMANCE WITH STATE CODE

June 17, 2003

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance R03-21 which reads:

AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 21-15 REGARDING ORGANIZATION OF THE BOARD OF EQUALIZATION, TO BRING IT INTO CONFORMANCE WITH STATE CODE

BE IT ORDAINED by the York County Board of Supervisors, this 17th day of June, 2003, that section 21-15, York County Code, be and it is hereby amended, effective July 1, 2003, to read and provide as follows:

Sec. 21-15. Organization of board.

The board of equalization shall consist of three (3) members appointed by the county circuit court, as provided by section 58.1-3373, Code of Virginia. Each member shall be a resident of York County, a majority of whom shall be freeholders. At least one member shall be a commercial or residential real estate appraiser, or other real estate professional, builder, developer, or legal or financial professional, and in order to be eligible for appointment shall attend and participate in the basic course of instruction for assessing officials as required by section 58.1-3374, Code of Virginia. In no case shall a person serve as a member of the board for more than nine (9) consecutive years, and such person shall not be eligible for a period of reappointment for a period of three (3) years. The board shall elect a chairman and a secretary from among its members. In addition, at least once in every four (4) years of service on the board, each member shall take continuing education instruction provided by the Virginia Tax Commissioner pursuant to section 58.1-206, Code of Virginia.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

CONSENT CALENDAR (Continued)

Item No. 8. PURCHASE AUTHORIZATION: Proposed Resolution R03-103. (Removed from the Consent Calendar)

Mr. Zaremba questioned the reduced cost aspect of the telecommunications system.

Mr. Robert Peters, Division Chief, Department of General Services, explained that there would be a two-year payback on the software investment by changing out some components of the system.

Mr. McReynolds discussed the replacement of the current system and its lifespan.

Mr. Zaremba questioned the landscaping contract and the exclusion of grass cutting.

Mr. Tommy Ashe, Division Chief, Department of General Services, explained that the contract allowed for the use of the inmate population from the Virginia Peninsula Regional Jail and that the County's inmate portion had been decreased.

Mr. McReynolds apprised the Board of the changes in inmate population that affected the grass cutting operations.

Discussion ensued on grass cutting procedures.

Mr. Zaremba then moved the adoption of proposed Resolution R03-103 which reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO EXECUTE AGREEMENTS FOR AN UPGRADE TO THE TELE-
COMMUNICATIONS SYSTEM AND LANDSCAPE ENHANCE-
MENTS AT ROUTE 17 AND 171 CORRIDORS.

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of June, 2003, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Telecommunications System Upgrade	\$105,847
Landscape Enhancements (3-year contract)	110,832

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Item No. 9. AERIAL SPRAYING: Proposed Resolution R03-105 (Removed from the Consent Calendar)

Mr. Shepperd questioned the \$19,000 from the contingency fund and asked how many sprays it would accommodate.

Mr. McReynolds explained it would be one spray, having already received a spray in April.

Mr. Shepperd then moved the adoption of proposed Resolution R03-105 which reads:

A RESOLUTION TO AUTHORIZE THE EXPENDITURE OF \$19,400
FROM THE CONTINGENCY RESERVE TO COVER THE COST OF
AERIAL SPRAYING TO PROVIDE PREVENTIVE MEASURES
AGAINST THE WEST NILE VIRUS

WHEREAS, aerial spraying has been performed in the County for mosquito prevention;
and

WHEREAS, to ensure the safety of the County, funding of \$19,400 is requested and available in the Contingency Reserve, to cover the costs of purchasing materials and aerial spraying services;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of June, 2003, that the expenditure of \$19,400 be, and hereby is, approved from the Contingency Reserve to cover the cost of aerial spraying for the purpose of continuing the efforts in preventing the West Nile Virus.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

Item No. 10. REFUND OF TAXES: Proposed Resolution R03-106 (Removed from the Consent Calendar)

Mr. Wiggins stated his confusion over the amount of the proposed refund.

Mr. McReynolds reviewed the agreement made with the City of Williamsburg several years ago which stated that if the City's water utility, on operating costs alone, did not show a profit, then it would not owe any taxes; or if the taxes cause it to go into a deficit situation, the portion of taxes that would cause the deficit would not be paid.

Mr. Wiggins then moved the adoption of proposed Resolution R03-106 which reads:

A RESOLUTION TO AUTHORIZE PAYMENT OF A REFUND OF
REAL ESTATE TAXES TO THE CITY OF WILLIAMSBURG

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, the City of Williamsburg has made application to the Commissioner of the Revenue for a refund of real estate taxes paid in 2002 in the total amount of \$84,392.10, per the terms of a memorandum of understanding between the City and County entered into in 1995 which stipulated the conditions under which the City's watershed property located in the County would be taxed; and

WHEREAS, the City has submitted an independent auditor's report to verify that it has not realized a "substantial net profit" from its water system for the tax year 2002; and

WHEREAS, the Requests for Tax Refunds have been approved and recommended by the Commissioner of the Revenue, the Treasurer, and the County Attorney;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of June, 2003, that the Treasurer is authorized to refund to the City of Williamsburg real estate taxes in the total amount of \$84,392.10, including accrued interest.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

Item No. 14: APPOINTMENT TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION:
Proposed Resolution R03-109 (Removed from the Consent Calendar)

Mrs. Noll stated she had served on the Hampton Roads Planning District Commission for the past eight years and that it had been her pleasure and honor to serve in that capacity. She noted that when a Board member serves as a representative on a board or commission, the Board member is representing the whole Board. She stated she wished Mr. Shepperd the best in his appointment.

Mrs. Noll then moved the adoption of proposed Resolution R03-109 which reads:

A RESOLUTION TO APPOINT A MEMBER OF THE YORK
COUNTY BOARD OF SUPERVISORS TO THE HAMPTON ROADS
PLANNING DISTRICT COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this the 17th day of June, 2003, that Thomas G. Shepperd, Jr., be, and he is hereby, appointed as York County's elected official representative to the Hampton Roads Planning District Commission for a two-year term to begin July 1, 2003, and expire June 30, 2005.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

CLOSED MEETING. At 9:41 p.m. Mr. Shepperd moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Meeting Reconvened. At 10:03 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Wiggins moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of June, 2003, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Mr. Wiggins moved the adoption of proposed Resolution R03-100 which reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
INDUSTRIAL DEVELOPMENT AUTHORITY

WHEREAS, on June 30, 2002, the term of Kenneth G. Matthews on the York County Industrial Development Authority will expire;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of June, 2003, that Vernard E. Lockwood, II, be, and he is hereby, appointed to the York County Industrial Development Authority for a term of four years, such term to begin July 1, 2003, and expire June 30, 2007.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

June 17, 2003

REAPPOINTMENTS TO THE YORK COUNTY ARTS COMMISSION

Mr. Zaremba moved the adoption of proposed Resolution R03-107 which reads:

A RESOLUTION TO REAPPOINT REPRESENTATIVES TO THE
YORK COUNTY ARTS COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this 17th day of June, 2003, that Joyce T. Ashton, Donna Lushbaugh, and Sheila L. Myers be, and they are hereby, reappointed to the York County Arts Commission for a term of three years, such term to begin August 1, 2003, and end July 31, 2006.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

Meeting Adjourned. At 10:05 p.m. Mrs. Noll moved that the meeting be adjourned to 6:00 p.m., Tuesday, June 24, 2003, in the East Room, York Hall, for the purpose of conducting a work session.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors